

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Akito Kuramata et al

Serial No.: 09/313,764

Filed: May 18, 1999



Group Art Unit: 2820

Examiner: W. Coleman

For: OPTICAL SEMICONDUCTOR DEVICE HAVING AN EPITAXIAL LAYER OF III-V COMPOUND SEMICONDUCTOR MATERIAL CONTAINING N AS A GROUP V ELEMENT

RESPONSE TO RESTRICTION REQUIREMENT

Director of Patents and Trademarks
Washington, D.C. 20231

February 15, 2001

Sir:

This is in response to the Office Action of January 16, 2001, requiring restriction between two alleged inventions under the provisions of 35 USC § 121.

In the Action, the examiner has made a restriction requirement between the inventions of Group I drawn to a semiconductor device (claims 1-4, 6-13 and 18-24) and Group II drawn to a method of making a semiconductor device (claims 5 and 14-17).

Applicants hereby provisionally elect Group I, that is, claims 1-4, 6-13 and 18-24 for examination on the merits in this application. Applicants reserve the right to file one or more divisional applications directed to the subject matter of the non-elected claims.

Favorable consideration of the subject application is respectfully requested.

RECEIVED
FEB 20 2001
TECHNOLOGY CENTER 2800
RECEIVED
FEB 21 2001
2/21/01

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this response.

Respectfully submitted,

ARMSTRONG, WESTERMAN, HATTORI,
McLELAND & NAUGHTON LLP



Donald W. Hanson
Attorney for Applicant
Reg. No. 27,133

Atty. Case No. 990527
1725 K Street, N.W., Suite 1000
Washington, D.C. 20006
(202) 659-2930
DWH:nk